

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SUAD GREBIC,

Defendants.

NO. CR-08-0011-EFS

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS**

A pretrial conference occurred on October 23, 2008, in the above-captioned matter. Defendant Suad Grebic was present, represented by Phillip Nino. Assistant United States Attorney Joe Harrington appeared on behalf of the Government. Before the Court was Defendant's Motion to Dismiss (Ct. Rec. 53). The Government did not file a response, choosing to present its opposition argument at the hearing. After reviewing the submitted material, arguments from counsel, applicable authority, and the Court's Order in the related Eastern District of Washington case no. 08-0010-EFS, the Court was fully informed. For the reasons articulated in the Court's October 23, 2008 Order in the related case (No. 08-0010-EFS: Ct. Rec. 274) and supplemented herein, the Court finds the Superseding Indictment fails to state a claim under 18 U.S.C. §§ 1341 and 1346 because there can be no deprivation of the right to honest services given

1 that the contract between Tony Lamb and the state of Washington creates  
2 neither agency nor employment relationships. Because Mr. Lamb does not  
3 owe employee or fiduciary-akin duties to the state of Washington, there  
4 is no alleged principal with whom Defendant Grebic can aid and abet. 18  
5 U.S.C. § 2. Accordingly, the honest services mail fraud charges are  
6 dismissed in their entirety.

7 For the above reasons, **IT IS HEREBY ORDERED:**

8 1. Defendant's Motion to Dismiss (**Ct. Rec. 53**) is **GRANTED**. The  
9 Superseding Indictment (**Ct. Rec. 47**) is **DISMISSED with prejudice**.

10 2. All other pretrial motions (**Ct. Recs. 21 & 28**) are **DENIED AS**  
11 **MOOT**.

12 3. All other pretrial and trial dates and deadlines are **STRICKEN**.

13 4. This file shall be **CLOSED**.

14 **IT IS SO ORDERED**. The District Court Executive is directed to enter  
15 this Order and to provide copies to all counsel.

16 **DATED** this 24<sup>th</sup> day of October 2008.

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18 S/ Edward F. Shea  
19 EDWARD F. SHEA  
United States District Judge

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